

REMARKS

Claims 44-47 and 49 were pending prior to filing this Response. Claims 44, 47 and 49 are amended herein; claims 45 and 46 are canceled, and therefore claims 44, 47 and 49 remain for consideration.

Claims 44-46 and 49 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bank et al. (U.S. Pat. No. 4,505,220). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Bank et al: is directed to a continuous apparatus for providing a barrier coating composition on the interior and exterior surfaces of an edible food container. The apparatus comprises a first conveyor system containing a plurality of container receiving stations, and a second conveyor system containing a plurality of container receiving stations. The second conveyor is disposed below the first conveyor system. A vacuum system is operatively associated with the container receiving stations of the first and second conveyor systems. A dispensing means is provided for sequentially placing the edible food containers in the container receiving stations of the first conveying system. A coating means is operatively associated with the first conveyor system for coating the internal surface of the edible food container with the barrier coating composition. A means is operatively associated with the first conveyor system for spinning and drying the barrier coating composition in the internal surface of the edible food container. A means is provided for moving the first conveyor system to invert the edible food container to a position above a container receiving station disposed on the second conveyor system and transferring the edible food container to the container receiving station on the second conveyor system in an inverted position. A coating means is operatively associated with the second conveyor system for coating the external surface of the edible food containers with the barrier coating composition. A means is operatively associated with the second conveyor system for spinning and drying the barrier coating composition on the external surface of the edible food container.

Bank, however, does not teach or suggest a system for coating containers including a platform which is selectively actuatable to position a container proximate to a carrier unit for depositing protective coating material attached to the carrier unit onto the container, as generally recited in amended claims 44 and 49 of the present application

The Examiner asserts that Bank at col. 7, lines 38-40 provides for a platform or pedestal adapted to move vertically. However, that the passage referred to by the Examiner is not directed to moving a cup into engagement with a spraying nozzle for coating the cup, but rather to moving a cup into engagement with a receptacle containing the cup. Once the cup is in the receptacle, a spraying nozzle must be moved into and out of engagement with the cup.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Bank does not teach or suggest a system for coating containers including a system for coating containers including a platform which is selectively actuatable to position a container proximate to a carrier unit for depositing protective coating material attached to the carrier unit onto the container, it cannot be maintained that the teaching of Bank anticipates claims 44 and 49.

Claim 47 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Eddy (U.S. Pat. No. 4,259,372). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Eddy is directed to an apparatus for applying sealant to a selected area of a container. The apparatus includes means for conveying a container into and away from a sealant applying station. Sealant dispensing means is positioned adjacent to the conveying means at the sealing station and is operable for dispensing sealant onto a selected area of the container. Means is provided adjacent to the sealant dispensing means for selectively removing any excess sealant from a nozzle portion of the sealant dispensing means.

The Examiner believes that Eddy recognizes the use of at least one heater which is positioned adjacent a rotary manipulator or turret such that when the rotary manipulator rotates, the containers are moved into a position proximate to or near the heater. The Examiner refers to col. 7, lines 45-56 in support of his argument. We disagree with the Examiner's ground of rejection.

The passage in Eddy referred to by the Examiner to support the rejection states that "The wands 82 preferably have one or more cartridge heaters (not shown) mounted therein which are connected to a suitable temperature controller VC1 described below." In other words, the heating unit is part of the spraying nozzle.

Amended claim 47 of the present application, on the other hand, recites a system for coating containers including a heating unit which is separate of and spaced from the apparatus for coating, and a rotary manipulator is configured to rotate containers to a position proximate to the apparatus for coating, and also to a position proximate to the heating unit.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Eddy does not teach or suggest a system for coating containers including a heating unit which is separate of and spaced from the apparatus for coating, and a rotary manipulator configured to rotate containers to a position proximate to the apparatus for coating, and also to a position proximate to the heating unit, it cannot be maintained that the teaching of Eddy anticipates claim 47.

In view of the foregoing, it is respectfully submitted that amended claims 44, 47 and 49 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

Applicants herein petition for a two month extension of time to file this Response along with an accompanying Request for Continued Examination (RCE). A check in the amount of \$1240.00 is enclosed to cover the RCE filing fee (\$790.00) and the extension fee (\$450.00). No additional fees or deficiencies in fees are

believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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